

REMARKS/ARGUMENTS

In response to the Office Action mailed May 16, 2006, Applicants amend their application and request reconsideration. No claims are added or cancelled so that claims 1-7 remain pending.

The Examiner noted an informality in claim 1 and objected to that claim. The informality is removed, overcoming the objection.

This Amendment includes a correction to the specification in terms of the document incorporated by reference. As previously explained, there is a co-pending, simultaneously filed and assigned patent application, U.S. Patent Application 09/840,444. In view of questions raised concerning the document incorporated by reference in the present and co-pending patent applications, an extensive investigation has been undertaken. That investigation indicates that the document originally submitted in this patent application with the Response filed December 16, 2004 and having the title as mentioned in the patent application is not a publication. Rather, that document was the paper proposed to be presented at a conference held May 7-10, 2000 in Stockholm. The Proceedings of that Conference were subsequently published. The conference proceedings were edited by Kalev Kuklane and Ingvar Holmer. The Conference Proceedings are available via Internet at www.arbetslivsinstitutet.se/publikatilner/en/detaljerad.asp?ID=457. At the time of the publication, Dr. Holmer was associated with the National Institute for Working Life (Arbetslivsinstitutet), an agency of the Swedish government. Since that time, he has become a professor at the Lund Technical University in Lund, Sweden.

E-mail correspondence with Professor Holmer is attached. As explained in his message, preliminary drafts of proposed papers were supplied to the Conference organizers around January of 2000. Authors were permitted to revise their papers before presentation and the revised papers were submitted in April of 2000. Those revised papers appeared in the Conference Proceedings which was issued sometime

during June of 2000. The recollection of the first-named inventor of the present patent application, who is also the first-named author of the publication, that the document mentioned in the patent application as filed was the original submission to the Conference, and not the document that was revised and that was published as part of the Conference Proceedings, is entirely consistent with Professor Holmer's explanation of the Conference events. As previously noted, the contents of the two documents are very similar, although the authorship is different. The paper actually published was supplied to the Examiner in an Information Disclosure Statement filed in the present patent application with the RCE filed February 22, 2006.

Since publications can be incorporated by reference in patent applications but documents that are not published are not properly incorporated, in this Amendment, the specification is corrected to refer to the revised document that was actually published, rather than the initial document, which included a different title and different authorship. In view of the circumstances, this correction does not incorporate any new matter but conforms the patent application to U.S. requirements, consistent with all of the information previously and currently provided.

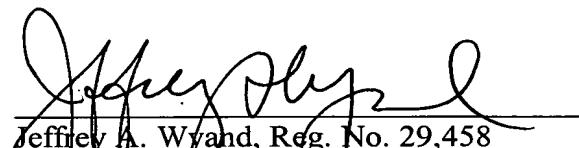
The Office Action is understood to have rejected all of the pending claims, claims 1-7, as unpatentable over a non-patent publication by Okabe et al. cited in the previous Office Action, as modified by Li et al., the publication that is now clearly incorporated by reference in the present patent application. The Examiner pointed out that the three identified inventors of the present patent application are not identical to the four co-authors of Li et al., thereby qualifying Li et al as prior art pursuant to 35 USC 102(a).

In reply to the prior art rejection, Applicants submit statements by the two co-authors of Li et al., Xiaonan Luo and Zhongxuan Luo, who are not named as inventors of the present patent application. Those two co-authors disclaim any contribution to the invention described and claimed in the present patent application. Therefore, the disclosure of Li et al. is no longer "by another" so that Li cannot be employed as prior art under any provision of 35 USC 102 against the claims of the present patent

application. The Examiner has already acknowledged that Okabe, by itself, provides insufficient basis for rejecting any pending claim. Accordingly the sole rejection of claims 1-7 must be withdrawn.

For the foregoing reasons, claims 1-7 are now in form for allowance, which is earnestly solicited.

Respectfully submitted,


Jeffrey A. Wyand, Reg. No. 29,458
LEYDIG, VOIT & MAYER
700 Thirteenth Street, N.W., Suite 300
Washington, DC 20005-3960
(202) 737-6770 (telephone)
(202) 737-6776 (facsimile)

Date: November 9, 2006
JAW:ves